



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,877	11/08/2001	Tsuyoshi Kano	7217/65961	7475
530 7590 01/24/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HOSSAIN, FARZANA E	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/010,877	KANO, TSUYOSHI	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/2007 has been entered.

Response to Amendment

2. This office action is in response to communications filed 11/02/2007. Claims 1-7 are cancelled. Claims 8-13 have been previously presented. Claims 14-17 are new.

Response to Remarks

3. The applicant has made no remarks or arguments in reference to the cited prior art.

The examiner maintains rejections for claims 8-13 from the final rejection dated 6/14/2007 and the advisory action dated 10/30/2007.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanyi (US 6,286,140) in view of Del Sesto et al (US 6,530,082 and hereafter referred to as "Delsesto") and McClard (US 6,438,752 and hereafter referred to as "Mcclard") and Ozer et al (US 6,704,929 and hereafter referred to as "Ozer").

Regarding Claims 8 and 11, Ivanyi discloses a viewing and listening information computing apparatus (Figure 1, 4, Figure 4) comprising: reception state management means for obtaining a reception log of at least one broadcast receiver (Figure 1, 4, Figure 2, 45, Figure 3, 28-31, Column 7, lines 64-67, Column 8, lines 1-5); a database in which the obtained reception log and program information concerning a broadcast program are recorded (Figure 1, 4, Figure 4, 56, Column 10, lines 1-8, Figure 5, 90); and viewing and listening information management means (Figure 4, 41) for computing viewing and listening information which is information concerning viewing and/or listening based on the reception log and the program information read from the database (Column 9, lines 25-40, lines 66-67, Column 10, lines 1-8, lines 59-65). Ivanyi discloses that the television viewer behavior is monitored for channel being

viewed (Column 9, lines 66-67, Column 1-10). Ivanyi is silent on the reception state management means for obtaining a receiver ID, of at least one broadcast receiver, a database in which receiver ID is recorded, viewing and listening management means for computing viewing and listening information based on receiver ID read from the database, predetermined time a channel and/or program is viewed and to not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period, and that the viewing and listening information includes viewer preferences for each segment of a program.

Delsesto disclose a reception state management means for obtaining a reception log or response packet and a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1-42), a database in which the reception log and receiver ID are recorded, and viewing and listening management means for computing viewing and listening information which is information concerning viewing and listening based on the reception log or response packet, the receiver ID read from the database (Column 15, lines 26-67, Column 16, lines 1-16). McClard discloses a broadcast receiver (Figure 3, 38) comprising: a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the

predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). Ozer discloses that the viewing and listening information includes viewer preferences for each segment of a program or the length of time of the programming viewer and the portion of the program not viewed (Column 8, lines 59-67, Column 9, lines 1-8).

Therefore, it would have been obvious at the time the invention was made to modify Ivanyi to include a reception state management means for obtaining a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1-42), a database in which the receiver ID are recorded, and viewing and listening management means for computing viewing and listening information which is information concerning viewing and listening based on the receiver ID read from the database (Column 15, lines 26-67, Column 16, lines 1-16) as taught by Delsesto in order to accurately monitor of viewer ship and usage (Column 1, lines 28-65) as disclosed by Delsesto. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ivanyi to include that a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65) as taught by McClard in order to provide

an easier way for users to browse through programs to programs that they find interesting (Column 2, lines 1-7) as disclosed by McClard. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ivanyi to include the viewing and listening information includes viewer preferences for each segment of a program (Column 8, lines 59-67, Column 9, lines 1-8) as taught by Ozer in order to provide a way to find out a audience share of a television programs to determine program schedules, advertising schemes, price rates for airtime, and retention or termination of programs (Column 1, lines 23-31) as disclosed by Ozer.

Regarding Claims 9 and 12, Ivanyi, Delsesto, McClard and Ozer disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20), program identification information or detailed information in reference to a o program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes an audience rating for one of a predetermined channel (Column 9, lines 38-40) and program (Column 10, lines 59-64, Column 11, lines 1-12).

Regarding Claims 10 and 13, Ivanyi, Delsesto, McClard and Ozer disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of a channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20) and program identification information or detailed information in

reference to a program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes a non-viewing and non-listening rating for one of a predetermined channel or program or the central computer processes polling information for a large group of viewers to obtain statistical information about viewer behavior for demographic and geographic groups, which reads on viewers and non viewers being polled on programs/channels viewed (Column 9, lines 34-40, Column 10, lines 53-67, Column 11, lines 1-24).

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanyi in view of Delsesto and Ozer.

Regarding Claims 14 and 17, Ivanyi discloses a system and a method of obtaining viewing and listening information (Figure 1, 100), comprising: a receiver (Figure 1, 1), including:

A receiving unit for selecting a channel and for receiving a broadcast (Figure 2, 21, Column 6, lines 48-52, Column 7, lines 10-12); a controller for controlling channel selection (Figure 2, 21, Column 7, lines 10-12) and for detecting a reception log (Figure 2, 21, 33A-D, Column 7, lines 13-30); a memory for storing the reception log (Column 7, lines 64-67, Column 8, lines 1-12, 33-39, Figure 1, 36); a viewing and listening information computing apparatus communicatively coupled to the receiver (Figure 1, 4, Figure 4), the viewing and listening information computing apparatus including: a reception state management computer for obtaining a reception log from the receiver

(Figure 4, 45, Figure 1, 4, Figure 3, 28-31, Column 7, lines 65-67, Column 8, lines 1-5, 40-63, Column 9, lines 25-40); a database in which the obtained reception log is recorded (Figure 1, 4, Figure 4, 45); a program management computer for receiving program information including program ID or detailed information in reference to a program or commercial (Column 10, lines 59-65, Column 11, lines 1-12, Figure 4, 4) and a viewing and listening information management computer for computing viewing and listening information concerning viewing and listening for a program based on the reception log, and the program information (Figure 4, 41, Column 9, lines 25-40, 66-67, Column 10, lines 1-8, 59-65). Ivanyi is silent on a memory storing a receiver ID; the reception state management computer obtaining the receiver ID from the receiver; a database in which the obtained receiver ID are recorded; and a viewing and listening information management computer for computing viewing and listening information concerning viewing and listening for each segment of a program based on the reception log, the receiver ID, and the program information, and for transmitting the used to computed viewing and listening information to a program producer.

Delsesto discloses that each receiver has a receiver ID that is included in the response and a storage device (Figure 1, 120, Figure 2, 120, 212, 214, Column 10, lines 35-36, Figure 5, 530). It is necessarily included that the receiver has a memory storing the receiver ID as it is included in the response packet. Delsesto discloses a reception state management means for obtaining a reception log or response packet and a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1- 42), a database in

which the receiver ID is recorded (Column 15, lines 26-54), a program management computer for receiving program information including a program ID or any data used to identify a program (Column 16, lines 2-16, Figures 6A-B) and viewing and listening management means for computing viewing and listening information for a program based on the reception log or response packet, the receiver ID and program information (Column 15, lines 26-67, Column 16, lines 1-16, Figure 4, 422, 424, 426, Figure 6) for transmitting the computed viewing and listening information to a program producer (Column 5, lines 11-16, Column 16, lines 18-29). Ozer discloses that the viewing and listening information includes viewer preferences for each segment of a program or the length of time of the programming viewer and the portion of the program not viewed (Column 8, lines 59-67, Column 9, lines 1-8) and also a program management computer receiving program information including a program ID (Column 12, lines 26-30).

Therefore, it would have been obvious at the time the invention was made to modify Ivanyi to include receiver has a memory storing the receiver ID (Figure 1, 120, Figure 2, 120, 212, 214, Column 10, , lines 35-36, Figure 5, 530), a reception state management means for obtaining a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1- 42), a database in which the receiver ID is recorded (Column 15, lines 26-54), and viewing and listening management means for computing viewing and listening information for a program based on the reception log or response packet, the receiver ID and program information (Column 15, lines 26-67, Column 16, lines 1-16,

Figure 4, 422, 424, 426, Figure 6) for transmitting the computed viewing and listening information to a program producer (Column 5, lines 11-16, Column 16, lines 18-29) as taught by Delsesto in order to accurately monitor of viewer ship and usage (Column 1, lines 28-65) as disclosed by Delsesto. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the viewing and listening information includes viewer preferences for each segment of a program (Column 8, lines 59-67, Column 9, lines 1-8) as taught by Ozer in order to provide a way to find out a audience share of a television programs to determine program schedules, advertising schemes, price rates for airtime, and retention or termination of programs (Column 1, lines 23-31) as disclosed by Ozer.

Regarding Claim 15, Ivanyi, Delsesto and Ozer disclose all the limitations of Claim 14. Ozer discloses the receiver and the viewing and listening information computing apparatus are coupled via a communication network including the Internet (Column 10, lines 8-10).

Regarding Claim 16, Ivanyi, Delsesto and Ozer disclose all the limitations of Claim 14. Delsesto discloses the receiver and the viewing and listening information computing apparatus are coupled via an external computer (Figure 1, 120, 122, 128).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

Application/Control Number:
10/010,877
Art Unit: 2623

Page 11

272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
January 18, 2008


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600